

own, cannot find work. It is about this body, the Senate, taking action on behalf of people.

I urge immediate consideration of this extension. I hope we can pass it tonight rather than be forced to another series of pointless and political cloture motions.

I want to briefly mention another proposal related to this issue that is important to consider which would help in this terrible crisis of unemployment.

I have introduced the Keep Americans Working Act to strengthen and expand work share programs. These are programs in which 16 States, at the moment, pay a portion of unemployment benefits if the employer keeps the person on the payroll but reduces their hours to reduce costs and continues to pay their benefits—their pension and health care.

So far this year, approximately 137,000 layoffs have been averted in States that have this program. We have a breakdown of the 16 States. In 2008, 58,000 Americans were taking advantage of the work share program. They would work for 3 days a week, for example, and they would be off 2 days. They would receive unemployment compensation pro rata for those 2 days. The employer would keep benefits flowing, in terms of health care. They would have valuable workers not sent away from the firm but still engaged in productive activities.

I visited a firm in Rhode Island that has this program. It is wildly popular with not only the workers but also with the managers. In Rhode Island, we have jumped from 2,800 last year to 5,400 this year, and it is rising.

When I was at this plant, one of the workers said: This is the only way I can keep paying for my mortgage; this is the only way I can keep paying for the food we put on the table for our children. And the plant manager said: This is the only way I can keep a valuable worker so I can keep producing. I think it is a program that deserves close attention. This program in Rhode Island has helped many people avoid being completely laid off, and it has also helped the drain on the unemployment compensation fund because paying a pro rata share is a much better deal for the fund than paying the full benefits when someone is laid off completely.

There are 16 States, as indicated here. They rank from Arizona, California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Maryland, Minnesota, Missouri, New York, Oregon, Rhode Island, Texas, Vermont, and Washington. Again, this program is not a one-State, one-region, one-area program. This is a national program which I hope can be emulated by the other States. It is a win-win, and I hope we can move forward and take up this legislation as a complement to what we are proposing in the extension of unemployment benefits.

The real key, though, ultimately is to get the jobs flowing again, and that

is something we have to work on. That is something on which we have made some progress but not sufficient progress. We can't rest until there is confidence again that throughout this land people have a job, they feel confident they can keep it, they can provide for their families, and they can contribute to this great Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

ADDRESSING AMERICA'S PRIORITIES

Mr. DURBIN. Mr. President, I wish to commend my colleague from Rhode Island for his statement on the unemployment situation facing our country and also join in his remarks with some concern and dismay over the opposition of the Republican Senators to extending unemployment benefits.

Tens of thousands of people in my home State of Illinois and all across the United States have been unemployed for long periods of time and have now reached the end of their eligibility for unemployment compensation. They are still unemployed. They are still trying to keep their families together, pay the rent, put food on the table, pay for some medical bills, and they need unemployment compensation for that to continue. So we have proposed extending unemployment compensation benefits—the safety net for America—while they look for jobs and while this economy starts ever so slowly to turn around.

The opposition comes from the Republican side of the aisle. They oppose extending unemployment compensation benefits. You think: How could they rationalize that in an economy where there are six unemployed people for every available job? Their answer is: We have other, more important things we want to debate on the floor of the Senate.

Well, let's take a look at what those are. First, they want to return to the debate over an organization known as ACORN. ACORN is an organization that has not been in business in Illinois for 8 or 9 years, so I don't know any of the leaders in that organization personally. I can't say that I can recall working with them on any major issues. But you remember the videos a few weeks ago, those alarming videos of some ACORN employees who were apparently conspiring with people on how to break the law. Those employees have been fired, as they should have been. They should be investigated, and if they are guilty of criminal activity, they should be prosecuted. That is clear. But that is not enough for those who listen to the rightwing cable and TV shows. There has to be more.

Well, I have called for a full investigation of ACORN. I want the Government Accountability Office to find what Federal monies have been spent with that organization and make sure it was spent honestly and spent well.

An investigation is appropriate. It is known as due process. But that is not enough for some on the Republican side of the aisle.

One Senator from Louisiana wants to go further. He wants to offer another amendment to flog ACORN, and he is holding up unemployment benefits in Louisiana and Illinois and across the Nation until he gets his amendment, until he can make his speech, until he can beat on ACORN again. Well, that may be his idea of serving the public need. It is not mine. Let's save that debate for another day, if we have to have it at all. Let's not make thousands of people in Louisiana and Illinois—currently unemployed, desperate to keep their families together and a roof over the heads of their children—suffer because a Senator here wants to debate whether we can think of some new way to punish ACORN. You know, for most people, as President Obama said the other day in an interview, there are many more important things in life than this organization and the sorry conduct of a few employees. But for this Senator, it is enough to hold up unemployment compensation for literally hundreds of thousands of American people. That is the reality.

In addition, there is a program called E-Verify. E-Verify is a way to try to establish that a person applying for a job is actually a citizen. They want to use computers, accessed through telephones and computers, to determine whether the identity and the Social Security number given to the employer are, in fact, valid or illegal. It has been a tough program to get up and running. In fact, it is loaded with enough uncertainty and error that some question whether we should pursue it until we have worked out the details. Innocent people were caught up in the E-Verify early days and identified as not being legal when in fact they were. So what we have done is to extend this program for 3 years while we work out obvious problems with it.

One Senator on the other side of the aisle said it is not enough. I am going to hold up unemployment benefits, he says, until this program is extended permanently. Well, that is a worthy debate and topic, but is it worthy enough to deny unemployment compensation benefits to thousands of people out of work while we debate whether E-Verify should be extended 3 years or permanently? Doesn't seem to rise to the same level of importance, in my estimation.

That is what is holding up unemployment benefits for hundreds of thousands of people—amendments like that from the Republican side of the aisle which, to my way of thinking, don't really measure up to the gravity of the issue we are considering.

I wish those Senators from the States offering those amendments would go back home and meet some of these unemployed people, maybe sit down and buy them a cup of coffee, talk with them about what their lives

have been like being out of work for 2 or 3 years, what it means to have no health insurance because you lost your job, folks who have exhausted their life savings and now don't know which way to turn. I get e-mails and letters every day from them, people across my State. And these are not folks who have drifted in and out of work; many of them have worked uninterrupted for 25 or 30 years and now find themselves out in the street through no fault of their own. They are trying their darndest to find a job, to improve their skills so they are more marketable, and we should give them a helping hand.

Incidentally, the money that pays the unemployment compensation benefits comes from a fund to which they contributed. While we work, we put a little money away in a fund on the possibility that someday we will be out of work, and if it ever happens, then we are given at least enough money to get by while we look for a job, from that same fund. It is a basic insurance policy. These folks who are caught up in a tough recession need an extension of their benefits for some additional weeks—20 weeks is what our bill provides.

So for those who argue that this is some form of welfare, I would like to correct them. These are benefits paid out of funds paid in by workers across America and employers, and it is a fund that needs to be exercised right now, to be used right now for their benefit.

Mr. President, I am also concerned about some of the debate I have heard on the floor this morning from the other side when it comes to health care reform. I would like to stand here and compare the Democratic proposal for health care reform and the Republican proposal for health care reform. Now, that would be a good debate. But unfortunately I can't because there is no Republican proposal for health care reform.

One of the elements of our Democratic approach in the Senate will be something called opt-out. To put it in a nutshell, we are trying to create a not-for-profit health insurance company to compete with private health insurance companies so there will be actual competition—to keep them honest—and we try to bring costs down. We know private health insurance companies are exempt from antitrust laws. They can fix prices, they can allocate markets, they can jam through increases in premiums, and there is not much you can do about it since there is no competition. So a public option, a not-for-profit health insurance company, would be competitive.

There are some who argue against that and say that goes too far. Even though it is not government-run health insurance like single payer—it is a not-for-profit option—they say it goes too far. So the Democratic approach to health care reform says that individual States can decide whether they want to

have a public option available to the people who live there. If the State of Iowa, whose Senator came to the floor this morning, decides they don't like a public option, they can opt out of the public option. It is their choice. Each State can make that choice. That is what opt-out is all about.

Opt-out is also what the Republicans' strategy on health care is all about. They have opted out of this debate. Take an example: The Health, Education, Labor, and Pensions Committee considered over 500 amendments to health care reform. Among the amendments adopted were 150 Republican amendments, accepted in the committee. Some were technical, some were substantive, and in good faith they were debated and agreed to. Once 150 amendments were added to the health care reform bill in the HELP Committee. The vote was called, and when it was called, not a single Republican Senator would vote in favor of the bill they had just spent weeks amending.

It turns out there is only one Senator—Senator OLYMPIA SNOWE of Maine—who joined in the Finance Committee to report out a bill. She is the only Republican Member of Congress, House or Senate, who has actually voted for health care reform. All of the other Senators who have come to the floor criticizing what we are putting forward as our draft proposal on health care reform have not voted for it and have not produced an alternative.

The need is still there, and the need is very serious. Let me give an example, if I can, about the need in terms of a real-life story back in my State of Illinois.

There is a young man named Marcus Evans. Marcus reached a point in life where he couldn't walk upstairs without losing his breath, and he knew something wasn't right. He is 17 years old, and he began suffering from shortness of breath, which kept him out of pickup basketball games but even made it difficult for him to walk around his house. He went from doctor to doctor trying to figure out the problem, but he was uninsured—one of 47 million Americans uninsured.

The ACTING PRESIDENT pro tempore. The Senator's 10 minutes has expired.

Mr. DURBIN. I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. So Marcus Evans, being uninsured, couldn't find a doctor to diagnosis his problem.

At the time, Marcus's mom was a working mother of two. She worked as a part-time dental assistant. She didn't receive health insurance through her job and her family did not qualify for Medicaid, which is health insurance for poor people.

For 3 years, Marcus tried to get medical care without success. He was re-

peatedly told that more tests couldn't be done. He was told they were just too expensive, and he was basically told nothing was wrong. In fact, something was very wrong. Marcus Evans was suffering from t-cell lymphoma, a form of cancer that affects the lymph nodes. Do you know how he received the diagnosis? After Marcus's aunt called 911 because her nephew literally couldn't breathe, he was rushed to an emergency room where he received, finally, an MRI—his first MRI after years of visits to doctors with no diagnosis. That test revealed a significant malignant tumor pressing on his esophagus, which explained the symptoms he had been complaining about for more than 3 years.

Marcus said:

I nearly died before I got the proper health care. It took a lot for them to actually do the test.

Well, that is the situation that is familiar to millions of Americans—people who either don't have insurance or don't have much insurance. They are unable to afford health care premiums for preventive care out-of-pocket, and it takes a severe complication and a trip to an emergency room before they receive any appropriate medical care. They earn too much money for public aid and too little money to afford private health insurance.

For Marcus, a disease that could have been caught and treated when he was a high school student went undiagnosed for years as he tried and failed to get quality treatment. Instead of going away to college after graduating from high school, Marcus found himself stuck at home too sick and too scared to leave home.

Today, after chemotherapy and successful surgery, Marcus is in remission and working to put his young life together. His struggles aren't over. Most of his friends have debts from student loans; Marcus owes more than \$100,000 in medical bills at the age of 21—\$100,000—even after the hospital forgave him \$40,000 for his hospital stay.

Still, he is trying to move forward. He is enrolled as a part-time student at Chicago State. He has a little job with the city, a job that provides him at least some health insurance. It could have made a difference in his life many years ago.

Here is what he said:

I see the difference when you have insurance and when you don't. It's like night and day. When I didn't have insurance, they just pushed me aside.

Marcus doesn't blame the doctors who told him he was suffering from nothing more serious than asthma. He said he understands doctors were faced with an impossible choice caused by our Nation's dysfunctional health care system.

He said:

Doctors shouldn't have to worry about whether a patient has insurance. No decision should have to be made except let's take care of this person.

It is simple logic, common sense. That is what health care reform is all

about, and it poses very fundamental questions for us in this country: Who are we? What do we stand for? Are we going to change the current system?

There are those fighting change in the system, and those leading the fight are health insurance companies. They are making plenty of money under the current system even though causes such as Marcus Evans' end up being untreated, and young men end up suffering as a result of it.

That is why this health care debate is so important. I hope at some point, a couple, maybe even three Republican Senators would step up and say: We want to be part of this historic debate. We don't want to stand on the sidelines and complain about the plays that are being called. We want to be into the actual field of battle to help craft a bipartisan bill.

So far they have turned us down every step of the way except for one Senator, Ms. SNOWE of Maine. I hope that can change, and I hope those who come to the floor every day and complain about health care reform will take 1 day to propose their suggestions. What do they want to do? If they want to stick with the current system, if they do not want to change health care as we know it today, have the courage to stand up and say just that. But, unfortunately, they have said over and over again: We want to criticize. We want to opt out. We don't want to be part of this debate.

That doesn't solve the problems our Nation faces.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, first let me compliment my colleague from Illinois. He is right that the health care system in this country is in need of repair or reform. He is right also about the people who are out there believing they are insured when in fact they are one serious illness away from bankruptcy.

Ten years ago in Fargo, ND, I met a woman who had \$600,000 in the bank. She said she had a job, she had health insurance, and she had equity in a home. Ten years later it was gone. She has a very serious illness. She is a quadriplegic and needs a substantial amount of care, and all those assets are gone. She had insurance and all those assets are gone because her insurance had a cap.

A lot of people don't know that. They say: I have health insurance. Their insurance often has a cap on how much the insurance company will pay in the aggregate, which means they are just one serious illness away from bankruptcy. That is just one among others of the reasons there needs to be some change with respect to the health care issue.

I think this will be difficult. I commend the majority leader for trying to put a bill together. It will come to the floor of the Senate. We will have an op-

portunity to review it and offer amendments, which is the way it should be. My hope is at the end of the day we will be able to advance the issue of health care and improve the health care system in this country.

FEDERAL RESERVE POLICY

Mr. DORGAN. Mr. President, I wanted to mention very briefly—and I will speak about this a bit more later—the daily news about the payment of very large bonuses by some of the largest financial firms that received TARP funds or other funds from the Federal Government to try to keep them afloat during difficult times last year. The notices of the bonuses and profits of those firms at this point are very troubling to me and to a lot of other people.

I want to mention that a group of us a while back wrote to the Federal Reserve Board asking the Federal Reserve Board to release information about how much money went out the back door of the Federal Reserve Board when, for the first time in history, they allowed investment banks to come to the loan window of the Federal Reserve Board and get direct loans. For the first time in history, last year, they did that.

Now the question is, Who got money from the Fed's direct window? Under what conditions did they get that money? How much money did they get? A lot of us have asked the Federal Reserve Board to release that information.

Is that information important? It sure is, to me. Are the companies that are now proposing to pay the very large bonuses the same companies that got money out of the direct loan window of the Fed for the first time in history? Probably. What conditions were attached to that money? What were the rates, if any? We would like to know the specifics.

On September 16, the Chairman of the Federal Reserve Board wrote back to us saying that releasing these names would hinder the Fed's assistance efforts.

That is just a specious argument. The American people's money is put at risk. The American people have the right to know how much money went out that direct lending window at the Fed. We have a right to know—Members of Congress, the American people have a right to know. The Federal Reserve Board is saying we don't have a right to know and they don't intend to tell us.

I am going to talk about this a bit more later. There was a related FOIA case in which a judge found the Federal Reserve had "improperly withheld agency records." The judge called the Fed's argument that borrowers would be hurt if their names were released—the judge says "that was conjectural, without evidence of imminent harm."

Despite the fact that the judge has determined that, we still don't have a

release of this information. In a news article of a congressional hearing, it said a Federal official said the Fed was "giving serious consideration" to releasing the names of firms that received assistance.

In the same article they quoted Fed General Counsel Scott Alvarez as saying at the hearing:

We would be happy to work with you to establish procedures for disclosure.

A few days following that a Bloomberg news article said:

The Fed had decided to appeal the ruling that had ordered the Fed to release the information.

The question is, Why does the Fed believe we and the American people do not have a right to know? It makes no sense to me. I am going to speak about this at greater length later, but, clearly, as big bonuses are going out the back door, don't we have a right to know how much money went in the front door from the Federal Reserve to these institutions? How much, at what rate, and so on? I am going to continue to ask these questions.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. GILLIBRAND). Morning business has expired.

EXECUTIVE SESSION

NOMINATION OF IRENE CORNELIA BERGER TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I rise to speak on precisely the issue the clerk reported. That is something which is extremely important to me and also extremely important to the people of West Virginia, a historic decision we are going to make.

Today the Senate will consider the nomination of Judge Irene Berger to serve on the U.S. District Court for the Southern District of West Virginia. I have had the pleasure of knowing Judge Berger for many years and having a very high regard for her and liking her very much for many years. I continue to be amazed by her tremendous intellect, her calmness—a very marvelous calmness which speaks of integrity and knowledge and fearlessness in the face of whatever may come